

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – PR & RD Department – Allegations of violation of Rule 9 (1) of A.P. Civil Services (Conduct) Rules, 1964, against Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired) – Imposition of a penalty of 50% cut in pension, permanently, under Rule 9 of A.P. Revised Pension Rules, 1980 on Sri A. Srihari, Executive Engineer, Panchayat Raj (Retd.), without prejudice to the Criminal case still pending against the AO in the Special Court – Orders –Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (Vig.II) DEPARTMENT

G.O.Ms.No. 53

Dated:03.02.2010

Read the following:-

1. G.O.Rt.No.878, Panchayat Raj and Rural Development (VS.I) Department, Ddated:12.06.2003.
2. G.O.Rt.No.879, Panchayat Raj and Rural Development (VS.I) Department, Dated:12.06.2003.
3. From Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired) written statement of Defence, Dated: 01.08.2003.
4. G.O.Rt.No.1166, PR & RD (Vig.II) Dept., dt. 7-8-2004.
5. From the Commissioner of Inquiries D.O .Lr. No.6/COI.CK/04, Dt.3.3.08.
6. Govt. Memo No.139/Vig.II/A2/01-22,Panchayat Raj and Rural Development (Vig.II) Department, Dt.9.6.08.
7. From Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired) representation dt.27.6.08.
8. Govt. Memo No.139/Vig.II/A2/01-23, Panchayat Raj and Rural Development (Vig.II) Department, Dt.02.07.2009.
9. From Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired) representations, dt.5.8.09, 10.8.09 and 11.9.2009.
10. Govt. Letter No.139/Vig.II/A2/2001-24, Panchayat Raj and Rural Development (Vig.II) Department, Dt:20.10.09.
11. From the Secretary, A.P. Public Service Commission, Hyderabad Letter No.1330/Rt.I/3/2009, Dt:30.11.2009.

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ORDER:

Whereas it has been brought to the notice of the Government by the competent authority after discreet enquiry, that Sri A. Srihari, Executive Engineer, Panchayat Raj, Visakhapatnam District was found in possession of disproportionate assets of Rs.49,86,978/- and he failed to file Annual Property Returns and not obtained permission to acquire or dispose of immovable assets.

2. And where as, after examination of the matter, disciplinary action was initiated by framing charges against the individual, under Rule 9 of A.P. Revised Pension Rules, 1980, vide reference 2nd read above. The Charged Officer submitted his written statement of defence, vide reference 3rd read above. In the mean time, necessary permission was granted to the competent Authority to prosecute the retired officer, vide Govt. Memo No.139/V.S.I/A2/2001-17, Panchayat Raj and Rural Development (V.S.I) Department, dt.12.6.03 and attachment of properties of the retired Officer was ordered, vide G.O.Ms.No.335, Panchayat Raj and Rural Development (VS.I) Department, dt.18.10.03 and the case is pending in the court of competent jurisdiction.

(P.T.O)

3. And where as, after examination of the written statement of defence of the Charged Officer, the case was entrusted to Commissioner of Inquires for further detailed enquiry, in the matter, vide reference 4th read above.

4. And where as the Inquiry officer in her enquiry report referred in the reference 5th read above has holding all the charges held as **proved**, except Charge Nos.7,8,10,11,12,13,14,20,21,29 & 30, related to the assets where his major sons acquired the properties.

5. And whereas, a copy of report of Enquiry Officer, referred above, was communicated to the Charged Officer, viz., Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired) and he was directed, therein, to submit his representation, if any, on the enquiry report, within (15) days, vide reference 6th read above.

6. And whereas, in the reference 7th read above, the Charged Officer has submitted his representation stating that he has three I.T. paying Engineer sons & daughters-in-law, having their own income, that their acquired properties were attributed to him; that he had also shown their properties in his annual property statements regularly from 1969 to till his retirement on 31.5.2000 etc., and requested to take a lenient view.

7. And whereas, Government, after careful examination of the Inquiry Officer's Report and the representation of the C.O., have provisionally decided to impose a penalty of "50% cut in pension permanently, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, without prejudice to the Criminal case still pending against the AO in the Special Court" on Sri A. Srihari, Executive Engineer (Retired).

8. And whereas, in the reference 8th read above, a show cause notice was issued to Sri A. Srihari, Executive Engineer (Retired), Panchayat Raj, by indicating the quantum of punishment to be imposed on him, for his explanation, if any, under rule 9 of A.P. Revised Pension Rules, 1980.

9. And where as in the reference 9th read above, the Charged Officer, submitted his representations stating that, that the proposed 50% cut in his pension, which was highly disproportionate and excessive; that his pension is not sufficient to meet the expenditure for his and his wife, as the cost of living itself is above to his source of income and there was no source of income except his pension; and, requested not to cut his pension; that he was intimated higher authorities seeking prior permission and he was also submitted yearly property statements every year to the ENC, PR through proper channel; that Rule 9(1) of A.P. Conduct Rules says that prior intimation is sufficient not prior permission; that out of the charges leveled against him, charges (1) and (2) were only related to him and all the other charges were related to his wife and his three sons, who were majors and having their own income to acquire the assets; that they were also income tax assesses and having separate income such as agricultural income and having their own business; that he was not contributed anything financially to acquire the assets for his wife and sons; that they have not informed him before acquiring the assets; that after knowing the fact he was submitted property statements duly incorporating all the above assets in the statements to the ENC, PR, Hyderabad; and, requested to consider his request as he was not violated conduct rules and the punishment proposed is not proper and is highly excessive.

(Contd...3...)

10. And whereas, after examination the representations of the Charged Officer and since the Charged Officer has not put forth any new grounds for consideration for revision of the provisional decision already taken, i.e., "to impose a penalty of 50% cut in pension, permanently on Sri A. Srihari, Executive Engineer, (Retired) without prejudice to the Criminal case still pending against the AO in the Special Court" was confirmed and the concurrence of the A.P. Public Service Commission was sought for, in the matter, vide reference 10th read above.

11. And whereas, in the reference 11th read above, the Andhra Pradesh Public Service Commission, has advised to reduce the punishment to 25% cut in pension for 5 years, instead of 50% cut in pension proposed permanently against Sri A. Srihari, Executive Engineer, Panchayat Raj (Retired), without prejudice to the ongoing court case, as the Government failed to point out the lapses when the C.O submitted his property statements.

12. And whereas, after careful examination of the matter, Government have decided to impose a penalty of 50% cut in pension, permanently on Sri A. Srihari, Executive Engineer (Retired) without prejudice to the Criminal case still pending against the AO in the Special Court, under Rule 9 of A.P. Revised Pension Rules, 1980, as such the Charged officer has failed to obtain prior permission of Government/ competent authority before proceeding with the acquisitions/purchase of all such acquisitions charged against him excepting the Charge Nos. 7, 8, 10, 11, 12, 13, 14, 20, 21, 29 & 30, related to the assets where his major sons acquired the properties; and, since his statement of movable and immovable properties were not sent regularly for each acquisition during from 1969, and also the Charged Officer has confessed the same. Accordingly, Government hereby order to "impose a penalty of 50% cut in pension, permanently on Sri A. Srihari, Executive Engineer (Retired), without prejudice to the Criminal case still pending against the AO in the Special Court, under Rule 9 of A.P. Revised Pension Rules, 1980".

13. The Engineer-in-Chief, Panchayat Raj shall take necessary further action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C.SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri A.Srihari, Executive Engineer, Panchayat Raj (Retired) through the Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad. (He is requested to serve the COPY on the individual and furnish the served copy to the Govt. immediately.)

Copy to:

The Director General, Anti Corruption Bureau, Hyderabad. (113/RCA-WVP/97- S11)

The Secretary, A.P. Vigilance Commission, Hyderabad. (311/VC.G1/03)

The Secretary, A.P. Public Service Commission, Hyderabad. (1330/RT.I/3/2009).

The Panchayat Raj and Rural Development (E.I) Department.

SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER